

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
RUSSELL STITES	§	CASE NO. 20-40703-R
XXX-XX-9475	§	
149 CR 1000	§	CHAPTER 13
BOONEVILLE, MS 38829	§	
	§	
DEBTOR	§	

AMENDED MOTION TO DISMISS AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON June 18, 2020, AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom  
660 North Central Expressway  
Third Floor  
Plano, Texas 75074**

COMES NOW Carey D. Ebert, Chapter 13 Trustee, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has unreasonably delayed the case because Debtor failed to appear at the scheduled §341 (a) Meeting of Creditors as required by 11 USC §343. Such failure to appear is considered a willful want of prosecution, a violation of the order of the Court as per Local Rule 1017(a)(4) and BR 2003 and 4002, and constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307(c)(1), and thus cause exists for dismissal.

WHEREFORE, PREMISES CONSIDERED, Carey D. Ebert, Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Carey D. Ebert  
Carey D. Ebert, Chapter 13 Trustee, TBN 05332500  
Office of the Standing Chapter 13 Trustee  
500 North Central Expressway, Suite 350  
Plano, Texas 75074  
(972) 943-2580

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below .

RUSSELL STITES  
149 CR 1000  
BOONEVILLE, MS 38829

ROBERT NEWARK  
A NEWARK FIRM  
1341 WEST MOCKINGBIRD LANE  
600 W  
DALLAS, TX 75247

Dated: April 30, 2020

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/s/ Carey D. Ebert

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Office of the Standing Chapter 13 Trustee